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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

16 ROBERT HUNTER BIDEN, an individual,

Plaintiff,

vs.

PATRICK M. BYRNE, an individual,

Defendant

Case No. 2:23-cv-09430-SVW-PD

**Highly Confidential Redacted And
Filed Under Seal Pursuant To The
Stipulated Protective Order**

**PLAINTIFF ROBERT HUNTER
BIDEN'S SUPPLEMENT TO HIS
OPPOSITION TO DEFENDANT
PATRICK M. BYRNE'S MOTION
FOR SUMMARY JUDGMENT**

[*Supplemental Declaration of Zachary C. Hansen; and Plaintiff's Additional Separate Statement Of Controverted Facts filed and served concurrently herewith*]

Date: July 21, 2025
Time: 1:30 P.M.
Crtrm.: 10A

Judge: Hon. Stephen V. Wilson

MEMORANDUM OF POINTS AND AUTHORITIES¹

2 At the February 24, 2025 hearing, this Court recognized that key evidence in
3 determining whether Defendant Patrick Byrne (“Byrne”) acted with actual malice in
4 publishing the statements that Plaintiff Robert Hunter Biden (“Biden”) solicited a
5 bribe from Iran to have his father, then President Joe Biden, release billions of dollars
6 in sanctioned funds (the “Defamatory Statements”) was the testimony of FBI Special
7 Agent David Smith (“Smith”) and John Moynihan (“Moynihan”). Additional
8 Statement of Controverted Facts (“ASCF”) No. 1. As the Court further recognized,
9 the foregoing was because Byrne claimed Smith and Moynihan provided him with
10 material information that supported the Defamatory Statements or that they heard
11 material information on which Byrne relied in making the Defamatory Statements,
12 which would have supported the inference that Byrne had a basis to make the
13 Defamatory Statements and did not act with actual malice in making them. ASCF
14 No. 2. Completely destroying Byrne’s argument, Smith and Moynihan contradicted
15 Byrne’s testimony and their respective testimony establish that Byrne had no basis to
16 make the Defamatory Statements, acted with actual malice, and, indeed, lied under
17 oath, which this Court has recognized he has done in the past. Supplemental Separate
18 Statement of Controverted Facts (“Supplemental SSCF”) No. 26.

19 Throughout this case, Byrne has relied upon Smith and Moynihan to support
20 the claims about Biden that he made in the Defamatory Statements, as follows:

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23 ¹ This Supplement is being submitted in response to the Court’s continuance of the
24 hearing on Byrne’s summary judgment motion to address the testimony obtained from
25 the February 14, 2025 deposition of third party witness John Moynihan and the April
26 21, 2025 deposition of FBI Special Agent David Smith of the Federal Bureau of
27 Investigation, both of which occurred after Plaintiff submitted his Further Opposition
28 To Defendant Patrick M. Byrne’s Motion For Summary Judgment (“Further
Opposition”) on February 3, 2025. Plaintiff hereby incorporates herein all other
arguments asserted in his Further Opposition.

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 • [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 • [REDACTED]
11 • [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 • [REDACTED]
17 [REDACTED]
18 • [REDACTED]
19 [REDACTED]
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Contrary to Byrne's foregoing testimony, Smith testified as follows:

- Byrne's testimony about the late 2021/early 2022 meeting at a parking lot at Reagan National Airport was not accurate. ASCF No. 5.
- Smith did not recall receiving any recording from Byrne related to or involving Hunter Biden and Iranian Officials, and Byrne's testimony that Smith told Byrne to delete the Recording and not keep a copy of it was not accurate. ASCF No. 6.
- Byrne's testimony that Smith confirmed, through various actions by various government agencies, that the identity of the voice on the Voicemails played on the Recording was (1) the son of a high-ranking official with the Pakistani Minister of Defense, (2) someone who had

1 close ties to Biden, and (3) someone who was acting as a proxy for Biden,
2 was not accurate. ASCF No. 7.

- 3
- 4 Byrne's testimony that Smith communicated to Byrne either directly or
5 through Moynihan the identity of the voice on the Voicemails was not
6 accurate. ASCF No. 8.
 - 7 Byrne's testimony that Agent Smith described to Byrne a letter that FBI
8 Director Christopher Wray sent out to every FBI agent in the bureau
9 saying not to have any contact with Mr. Byrne was not accurate. ASCF
10 No. 9.

11 Moynihan further contradicted Byrne's foregoing claims, as follows:

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20 Smith's and Moynihan's testimony directly contradicting Byrne's testimony on
21 material facts support a jury's reasonable inference that Byrne acted with reckless
22 disregard for the truth in making the Defamatory Statements, thereby supporting a
23 finding of actual malice. *See Reader's Dig. Assn. v. Superior Court*, 37 Cal. 3d 244,
24 257-58 (1984); *Sanders v. Walsh*, 219 Cal. App. 4th 855, 873 (2013); *Christian Rsch.*
25 *Inst. v. Alnor*, 148 Cal. App. 4th 71, 84-85 (2007). This is because Byrne's four
26 sources for the Defamatory Statements are dependent on corroboration from Smith
27 and Moynihan, but they directly contradict Byrne so all of his so-called "sources" for
28

1 the Defamatory Statements lack any supporting evidence:

- 2 • The Recording. [REDACTED]

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6 [REDACTED] So, Moynihan's testimony about the Recording does not support

7 Byrne's testimony or argument that the Recording stated that Biden

8 solicited a bribe as Byrne stated in the Defamatory Statements. Compare

9 Supplemental SSCF Nos. 11-18 with ASCF No. 10-11.

- 10 • Moynihan Affidavit. Byrne's claim that the Affidavit of John Moynihan
- 11 supports the Defamatory Statements is contradicted by Moynihan
- 12 himself, who admitted [REDACTED]

13 [REDACTED] ASCF No.

14 15. Further, Moynihan's description of what he heard on the Recording

15 was materially different than Byrne's testimony about the Recording.

16 Compare Supplemental SSCF Nos. 11-18 with ASCF Nos. 10-11.

- 17 • Giving the Recording to Agent Smith. [REDACTED]

18 [REDACTED] But,

19 Smith testified that he did not recall receiving any recording from Byrne

20 and [REDACTED]

- 21 [REDACTED] ASCF No. 6 and 13.
- 22 • Verification of Identity of the Speaker on the Voicemails. [REDACTED] but
- 23 Smith testified that such statement by Byrne was not accurate and that
- 24 he did not recall receiving any recording from Byrne related to or
- 25 involving Hunter Biden and Iranian Officials. Compare Supplemental
- 26 SSCF Nos. 16-18 with ASCF Nos. 7-8. [REDACTED]

27 [REDACTED]

28 In addition, further showing Byrne's propensity to make wild statements as set

forth in the Further Opposition (25:17-26:27), Smith testified that Byrne's testimony

1 that Smith described to Byrne a letter that FBI Director Christopher Wray sent out to
2 every FBI agent saying not to have any contact with Mr. Byrne was not accurate.
3 Compare ASCF No. 4 with ASCF No. 9. [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 Smith's and Moynihan's testimony more than establishes actual malice by a
8 clear and convincing evidence standard. Indeed, by his own admission, the only basis
9 for Byrne to make the Defamatory Statements were from [REDACTED]

10 [REDACTED]

11 which Smith said was not accurate, [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED] The Defamatory Statements are far less than 100% true, as

15 Byrne claimed in the article, and, at best, the only information Byrne knew was that
16 some unidentified people may be intending to eventually seek Biden's assistance to
17 release money from a bank. Yet, Byrne, apparently motivated by political reasons,
18 went far beyond that minimal information in the Defamatory Statements, which is
19 hallmark actual malice. *See St. Amant v. Thompson*, 390 U.S. 727, 731 (1968) (actual
20 malice found where a story is the product of imagination or is based wholly on an
21 unverified anonymous telephone call).

22 More importantly, the testimony of these two witnesses establishes that Byrne
23 lied under oath during his deposition, concocted out of thin air the verification of the

24 [REDACTED] intentionally misconstrued what was said on [REDACTED]
25 [REDACTED] to claim that Biden was seeking a bribe, and entirely invented the
Defamatory Statements to smear Biden as part of Byrne's ongoing harassment
campaign against Biden's father, President Joe Biden, and to fuel his profile as a right
wing patriot in which he has a pecuniary interest. *See* Further Opposition, 22:1-25:16;

1 Compare Supplemental SSCF Nos. 11-18 and ASCF Nos. 3-4 with ASCF No. 5-15.
2 The Defamatory Statements are the result of extreme exaggerations arising from
3 Byrne's delusional world in which he believes himself to be Jason Bourne or some
4 other Robert Ludlum character saving America from the so-called "Deep State" on
5 secret missions with secret foreign operatives. *See* Further Opposition, 25:17-26:27;
6 Compare Supplemental SSCF Nos. 11-18 and ASCF Nos. 3-4 with ASCF No. 5-15.
7 The foregoing and the information set forth in the Further Opposition demonstrate
8 that Byrne not only made false statements about Biden but did so with actual malice.

9 Accordingly, for the foregoing reasons and for those stated in the Further
10 Opposition, the Court should deny Byrne's motion.

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12 Dated: May 20, 2025

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By: /s/ Zachary C. Hansen

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Attorney for Plaintiff
Robert Hunter Biden

CERTIFICATE OF SERVICE

2 I, Robie Ann Atienza-Jones, hereby certify that on this 20th day of May, 2025,
3 a copy of the **PLAINTIFF ROBERT HUNTER BIDEN'S SUPPLEMENT TO**
4 **HIS OPPOSITION TO DEFENDANT PATRICK M. BYRNE'S MOTION FOR**
5 **SUMMARY JUDGMENT** was served via email, on the following:

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